

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:18-CR-368
	§	
CHRISTOPHER INCE, M.D.	§	

**DEFENDANT CHRISTOPHER INCE, M.D.'S JOINDER TO
DEFENDANT BRIAN SWIENCINSKI'S MOTION IN LIMINE TO EXCLUDE
REFERENCES TO WHITE ENVELOPING AND ENVELOPES OF MONEY [DKT. 360]**

Defendant Christopher Ince, M.D. ("Dr. Ince") files this joinder hereby joining Defendant Brian Swiencinski's Motion in Limine to exclude references to or testimony related to the purported white enveloping of doctors and Defendant Swiencinski's purported comments regarding bribing doctors with envelopes of money through Government witness Brad Madrid or any other witness. [Dkt. 360].

At trial, it is anticipated that the Government will seek to reference and elicit testimony from Brad Madrid ("Mr. Madrid") related to the purported white enveloping of doctors, blanket comments regarding bribing doctors with envelopes of money, and payments Defendant Swiencinski made to doctors. Specifically, the Government has indicated that it expects Mr. Madrid will testify that in response to him wanting to become a Pharms LLC sales representative, that Defendant Swiencinski's response was that "Mr. Madrid did not strike Defendant Swiencinski as the kind of guy to hand an envelope to a doctor." However, there is no evidence in this case that Defendant Brian Swiencinski provided Dr. Ince with any envelope containing cash or that Dr. Ince was a doctor that Defendant Swiencinski purportedly "white enveloped." As such, the Government should not be allowed to make references to the white enveloping of doctors or comments regarding bribing doctors with envelopes of money as the introduction of such statements would be highly prejudicial and will only confuse the jury.

Moreover, while the Government contends that it has introduced and will introduce evidence of Defendant's Swiencinski's payments to Dr. Ince, there is no evidence that such

payments were related to prescriptions purportedly signed by Dr. Ince or made in furtherance of the alleged conspiracy scheme. Even further, evidence of Defendant Swiencinski's payments to Dr. Ince should not be allowed to be used as a catalysis to impermissibly draw the conclusion that Dr. Ince was one of the purported doctors who Defendant Swiencinski allegedly bribed with envelopes of money or white enveloped. The Government readily admits that the evidence it seeks to introduce and testimony it seeks to elicit is prejudicial. *See* Dkt. 369 at p. 3 ("This evidence prejudicial"). Thus, the Government should not be allowed to make references to the white enveloping doctors or Defendant Swiencinski's purported comments regarding allegedly bribing doctors with envelopes of money because the Government has failed to show its relevance to this case, it is substantially outweighed by the risk of undue prejudice and will only serve to confuse the jury.

CONCLUSION

For the reasons stated above, Defendant Christopher Ince, M.D. respectfully requests to join Defendant Brian Swiencinski's Motion in Limine to exclude references to white enveloping and envelopes of money [Dkt. 360], and that the Court enter an order excluding references to and testimony related to the purported white enveloping of doctors and purported comments regarding the alleged bribing of doctors with envelopes of money.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2022 the foregoing has been served on counsel of record for the Government by Notice of Electronic Filing via CM/ECF, in accordance with the Federal Rules of Criminal Procedure.

/s/ Samuel J. Louis
SAMUEL J. LOUIS